PATENT



Ihereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 3, 2004.

Jane A. Walker

June 3, 200

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Achilefu, et al.

Serial No:

JUN 0 7 2004

10/800,531

Filed:

March 15, 2004

Art Unit:

1616

Conf. No.:

2309

Examiner:

Unknown

Title:

RECEPTOR-AVID EXOGENOUS OPTICAL CONTRAST

AND THERAPEUTIC AGENTS

Atty Dkt:

MRD-64CP

Cincinnati, Ohio 45202

June 3, 2004

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of candor and good faith imposed by 37 C.F.R. §1.56 and means of complying therewith according to 37 C.F.R. §§1.97 and 1.98, the references listed on the attached Form PTO-1449 are called to the attention of the United States Patent and Trademark Office in connection with the above-identified patent application. The pertinency of each of these disclosures is evident in the file wrappers of applicants' Achilefu et al. parent application of U.S. Patent No. 6,706,254, Serial No. 09/864,011, filed May 23, 2001, which is a continuation-in-part of

U.S. Patent No. 6,395,257, Serial No. 09/484,322, filed January 18, 2000 upon which this continuation-in-part application is based. Accordingly, no further comment on the

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disclosures is believed necessary.

Copies of the cited references are in the parent case and thus copies are not submitted herewith, except for the following: International Search Report in the corresponding PCT Application No. PCT/US01/01407; Japanese reference No. JP59192595; A. Becker et al. reference entitled "Transferrin Mediated Tumor Delivery of Contrast Media for Optical Imaging and Magnetic Resonance Imaging"; Bergmark et al. reference entitled "Dramatic Fluorescence Effects for Courmarin Laser Dyes Coincluded with Organic Solvents in Cyclodextrins"; Braun-Falco et al. reference entitled "Liposome Dermatics"; Giulio Jori reference entitled "Novel Therapeutic Modalities Based on Photosensitized Processes"; Giulio Jori reference entitled "Farred-absorbing photosensitizers: their use in the photodynamic therapy of tumours"; Jori and Reddi reference entitled "Second Generation Photosensitizers for the Photodynamic Therapy of Tumours"; Giulio Jori reference entitled "Tumour photosensitizers: approaches to enhance the selectivity and efficiency of photodynamic therapy"; Lasic and Martin (eds.) reference entitled "Stealth Liposomes"; and Brian C. Wilson reference entitled "Optical Properties of Tissues".

No representation is made that the cited art is the only art or that the cited art represents the best art.

The Examiner is urged to consider the cited references and to make an independent decision with respect to their materiality.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Beverly A. Lyman, Ph.D.

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	A.B	5	4	5	3	5	0	5	09/1995	Lee et al.		544	124		06/1994			
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Sheet 3 (C) of 10 U.S. DEPARTMENT OF COMMERCE ATTY. DOCKET NO. SERIAL NO. SUBSTITUTE FORM PTO-1449 PATENT AND TRADEMARK OFFICE MRD/64CP 10/800,531 (MODIFIED) INFORMATION DISCLOSURE **APPLICANT** Achilefu et al. STATEMENT BY APPLICANT FILING DATE **GROUP** (Use several sheets if necessary) (37 CFR 1.98(b)) March 15, 2004 1616 U.S. PATENT DOCUMENTS FILING DATE **EXAMINER** ISSUE IF APPROPRIATE PATENT NUMBER CLASS **SUBCLASS** DATE **PATENTEE** INITIAL C.A C.B C.C C.D C.E C.F C.G C.H C.I C.J C.K FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS TRANSLATION DOCUMENT **PUBLICATION COUNTRY OR SUBCLASS** (YES/NO) PATENT OFFICE CLASS NUMBER DATE C.L C.M C.N C.O C.P OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

C.R G.R. Cherrick et al., <u>Indocyanine Green: Observations on Its Physical Properties, Plasma Decay, and Hepatic Extraction,</u> J. Clinical Investigation, 39, 1960, 592-600.

C.S M. de Jong et al., <u>Comparison of 111In-labeled Somatostatin Analogues for Tumor Scintigraphy and Radionuclide Therapy</u>, Cancer Research., 58, February 1, 1998, 437-441.

C.T Delaey et al., J. Photochem. Photobiol. B: Biol. 55, 2000, 27-36.

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Sheet 4 (D) of 10 U.S. DEPARTMENT OF COMMERCE ATTY. DOCKET NO. SERIAL NO. SUBSTITUTE FORM PTO-1449 PATENT AND TRADEMARK OFFICE MRD/64CP 10/800,531 (MODIFIED) INFORMATION DISCLOSURE **APPLICANT** STATEMENT BY APPLICANT Achilefu et al. FILING DATE **GROUP** (Use several sheets if necessary) (37 CFR 1.98(b)) March 15, 2004 1616 U.S. PATENT DOCUMENTS FILING DATE **ISSUE EXAMINER** IF APPROPRIATE INITIAL **CLASS SUBCLASS** PATENT NUMBER DATE **PATENTEE** D.A D.B D.C D.D D.E D.F D.G D.H D.I D.J D.K FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS **TRANSLATION DOCUMENT PUBLICATION COUNTRY OR SUBCLASS** (YES/NO) PATENT OFFICE **CLASS** NUMBER DATE D.L D.M D.N D.O D.P D.Q OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

D.R J.H. Flanagan, Jr. et al., Near-Infrared Heavy-Atom-Modified Fluorescent Dyes for Base-Calling in DNA-Sequencing Applications Using Temporal Discrimination, Anal. Chem., 70:13, July 1, 1998, 2676-2684.

D.S Y-L He et al., Measurement of Blood Volume Using Indocyanine Green Measured with Pulse-Spectrophotometry: Its Reproducibility and Reliability, Critical Care Medicine, 26:8, 1998, 1446-1451.

D.T PCT, International Search Report, PCT/US01/01407, mailed on May 16, 2001.

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Sheet 5 (E) of 10 ATTY, DOCKET NO. SERIAL NO. U.S. DEPARTMENT OF COMMERCE SUBSTITUTE FORM PTO-1449 10/800,531 PATENT AND TRADEMARK OFFICE MRD/64CP (MODIFIED) **APPLICANT** INFORMATION DISCLOSURE Achilefu et al. STATEMENT BY APPLICANT FILING DATE **GROUP** (Use several sheets if necessary) 1616 (37 CFR 1.98(b)) March 15, 2004 U.S. PATENT DOCUMENTS FILING DATE **EXAMINER ISSUE** IF APPROPRIATE PATENT NUMBER **CLASS SUBCLASS** DATE **PATENTEE** INITIAL E.A E.B E.C E.D E.E E.F E.G E.H E.I E.J E.K FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS **TRANSLATION** DOCUMENT **PUBLICATION COUNTRY OR SUBCLASS** (YES/NO) PATENT OFFICE **CLASS** NUMBER DATE E.L E.M E.N E.O E.P E.Q OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication) R.K. Jain, Barriers to Drug Delivery in Solid Tumors, Scientific American, July, 1994, 58-65. E.R Giulio Jori, Novel Therapeutic Modalities Based on Photosensitized Processes, EPA Newsletter, No. 60, July 1997, 12-18. E.S

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A: Chem., 62, 1992, 371-378.

Giulio Jori, Far-red-absorbing photosensitizers: their use in the photodynamic therapy of tumours, J. Photochem. Photobiol.

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R.B. Mujumdar et al., Cyanine Dye Labeling Reagents: Sulfoindocyanine Succinimidyl Esters, Bioconjugate Chemistry, 4:2,

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H.R	N. Narayanan et al., <u>A New Method for the Synthesis of Heptamethine Cyanine Dyes: Synthesis of New Near-Infrared Fluorescent Labels</u> , J. Org. Chem. 60, 1995, 2391-2395.
 H.S	G. Patonay et al., Near-Infrared Fluorogenic Labels: New Approach to an Old Problem, Analytical Chemistry, 63, 1991, 321A-327A.
н.т	G.A. Reynolds et al., Stable Heptamethine Pyrylium Dyes That Absorb in the Infrared, J. Org. Chem., 42:5, 1977, 885-888.

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